

**Bally's Park Place, Inc. and United Food and Commercial Workers Union, Local 1358, Chartered by United Food and Commercial Workers Union, AFL-CIO, Petitioner. Case 4-RC-14513**

December 28, 1981

### DECISION AND ORDER

BY MEMBERS FANNING, JENKINS, AND  
ZIMMERMAN

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held on various dates from January 16 to January 29, 1981, before Hearing Officer Bruce D. Bagley. Following the hearing and pursuant to Section 102.67 of the National Labor Relations Board Rules and Regulations and Statements of Procedure, Series 8, as amended, and by direction of the Regional Director for Region 4, this case was transferred to the National Labor Relations Board for decision. Thereafter, the Employer and the Petitioner filed briefs.

Pursuant to the provisions of Section 3(b) of the National Labor Relations Act, as amended, the National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Board has reviewed the Hearing Officer's rulings made at the hearing and finds no prejudicial error was committed. The rulings are hereby affirmed.

Upon the entire record in this case, including the briefs of the parties, the Board finds:

1. The Employer is engaged in commerce within the meaning of the Act, and it will effectuate the policies of the Act to assert jurisdiction herein.
2. The labor organization involved claims to represent certain employees of the Employer.
3. No question affecting commerce exists concerning the representation of employees of the Employer within the meaning of Sections 9(c)(1) and 2(6) and (7) of the Act, for the following reasons:

Bally's Park Place, Inc., is a New Jersey corporation engaged in operating a hotel and casino in Atlantic City, New Jersey.

The Petitioner seeks to represent separate units of count room employees, one for "hard count" and one for "soft count," or, though not its primary choice, a single unit of hard and soft count team employees. The Employer contends that the only appropriate unit would consist of its casino accounting department. It urges the units sought by the Petitioner as patently inappropriate and requiring dismissal of the petition. There is no history of bargaining for these employees.

The Employer opened its hotel-casino in December 1979. It employs approximately 800 dealers and 77 slot attendants and mechanics. The casino accounting department employs approximately 331 employees, of whom 40 are "soft count" and 25 are "hard count." Other classifications in this department include slot booth cashiers, runway cashiers, change persons, pit clerks, and income control clerks. Within the casino accounting department is an area designated as the "cage." Individuals who work in the cage are classified as casino cage cashiers, slot cage cashiers, CRT (cathode ray terminal) operators, credit and collection clerks, and the hard and soft count employees here sought. The casino accounting department handles and accounts for all coins and currency passing through the casino, whether through the numerous table games or the slot machines.

The *hard count operation* includes members, count leads, count mechanics, and count accountants. The hard count team is responsible for collecting the coins deposited each day in the casino's 1,600 slot machines. They are required by law to wear jump suits with no pockets, and they work a single shift each day, commencing at 6 a.m., and continuing until the coins are counted, which may be as early as 10 a.m., or as late as 4:30 p.m. Their average workweek is 30 to 35 hours. Each is required to be licensed by the New Jersey Casino Commission. Their work begins on the casino floor by emptying the coin buckets from the slot machines. The coin-laden buckets then move up a ramp, by tow motors, to the hard count room. There the coins are counted and wrapped, behind locked doors as prescribed by state law, in the presence of an inspector from the Control Commission. At the end of the count, before the hard count team leaves, a slot cage cashier comes to verify the total figures and to "buy off" the coins. Thereafter the coins are the responsibility of the slot cage until again distributed to the various slot booths and slot cashiers throughout the casino.

The hard count mechanics are literally mechanics. While the count is underway, they service the machines—the coin counters and the coin-wrapping machinery in hard count. They also service the coin-counting machines in soft count, and the bill-counting machines used in the casino cage and the soft count room.

The *soft count operation* occurs twice a day, at 9 a.m. and at 9 p.m., to count and total the currency from the game tables. Soft count employees are required by law to wear smocks. In the presence of a casino cage cashier, the currency is sorted by denomination, properly stacked with pictures facing the same direction, and totaled.

To work on the hard and the soft count teams requires no special training or education, and state licensing of casino employees is not limited to these two teams. All casino accounting department employees have a common payday, as well as the same holidays, vacations, work rules, seniority system, and life and health insurance benefits. All are hourly paid and entitled to use the cafeteria without cost. Each team has a supervisor who may recommend, but not give, wage increases, nor hire, discharge, or discipline without prior approval. Controller Manupelli is in direct charge of the casino accounting department, with the casino cage manager and the casino controller reporting to him. They in turn are superior to the team supervisors.

On the foregoing facts and the entire record here, we find no basis on which to conclude that the two units sought by the Petitioner, either separately or combined, constitute a unit appropriate for purposes of collective bargaining.<sup>1</sup> The duties

of these hard and soft count employees require no specific skill. No formal training is provided and the work is clearly routine and repetitive. That these employees work on shifts that vary from those of other casino accounting department employees furnishes no basis for separate representation, nor does the fact that they are isolated for security reasons from most other employees in their department while carrying out their daily counting of coins and currency. When not working they are free to contact other employees on the premises, with whom they share the same employee benefits. Accordingly, we find that separate units of hard count and of soft count employees are not appropriate, nor is a combined unit of the two teams appropriate, for purposes of collective bargaining within the meaning of Section 9(b) of the Act.

Accordingly, we shall dismiss the petition.

#### ORDER

It is hereby ordered that the petition filed herein be, and it hereby is, dismissed.

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<sup>1</sup> See *Horseshoe Club Operating Co. d/b/a Horseshoe Hotel and Fremont Hotel, Inc.*, 172 NLRB 1703, 1704 (1968), where the Board found units of

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change girls and booth cashiers inappropriate, partly because their duties were unskilled and they required little or no training.